

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

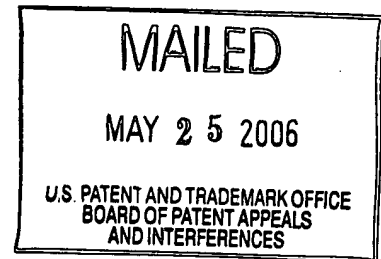
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JEFF A. PARKS, YU HONG (LUCY) SHAO, and PETER
CHRISTOPHER JOHNSON II

Appeal No. 2006-0901
Application No. 09/939,095

ON BRIEF



Before KRASS, RUGGIERO, and SAADAT, Administrative Patent Judges.
RUGGIERO, Administrative Patent Judge

DECISION ON APPEAL

This is a decision on the appeal from the final rejection of claims 1-30, which are all of the claims pending in this application. An amendment filed August 18, 2005 after final rejection has been approved for entry by the Examiner.

The claimed invention relates to a method and system for providing an application screen in response to a request to a database and its associated business rule objects. The provided application screen, which is different from the requested screen if the requested screen cannot be provided based on at least one of the business rule objects, is identified and communicated to a presentation object.

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Representative claim 1 is reproduced as follows:

1. A method, comprising:

requesting at least a portion of an application screen from a database and associated business rule objects in response to a request for an application screen;

identifying a returned application screen, wherein the returned application screen is different from the requested application screen if the requested application screen cannot be provided based on at least one of said business rule objects; and

providing the returned application screen to a presentation object.

The Examiner relies on the following prior art:

Kupersmit	2002/0016731	Feb. 07, 2002
(Published U.S. Patent App.)		(filed May 25, 2001)
Tomsen	2002/0013950	Jan. 31, 2002
(Published U.S. Patent App.)		(filed Dec. 01, 2000)
Wang et al. (Wang)	2002/0035579	Mar. 21, 2002
(published U.S. Patent App.)		(filed Jan. 24, 2001)
Mighdoll et al. (Mighdoll)	6,662,218	Dec. 09, 2003
	(effectively filed Jun. 03, 1996)	

Claims 1-5, 7-13, 15-19, and 21-24 stand finally rejected under 35 U.S.C. § 102(e) as being anticipated by Wang. Claims 6, 14, 20, and 25-30 stand finally rejected under 35 U.S.C. § 103(a). As evidence of obviousness, the Examiner offers Wang in view of Kupersmit with respect to claims 25-30, adds Mighdoll to Wang with respect to claim 6, and adds Tomsen to Wang with respect to claims 14 and 20.

Rather than reiterate the arguments of Appellants and the Examiner, reference is made to the Brief (filed August 19, 2005)

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and Answer (mailed November 16, 2005) for their respective details.

OPINION

We have carefully considered the subject matter on appeal, the rejections advanced by the Examiner, the arguments in support of the rejections, and the evidence of anticipation and obviousness relied upon by the Examiner as support for the rejections. We have, likewise, reviewed and taken into consideration, in reaching our decision, Appellants' arguments set forth in the Brief along with the Examiner's rationale in support of the rejections and arguments in rebuttal set forth in the Examiner's Answer.

It is our view, after consideration of the record before us, that the disclosure of Wang fully meets the invention as recited in claims 1-5, 7-13, 15-19, and 21-24. In addition, with respect to the Examiner's obviousness rejection, we are of the opinion that the evidence relied upon and the level of skill in the particular art would have suggested to one of ordinary skill in the art the obviousness of the invention as set forth in the appealed claims 6, 14, 20, and 25-30.

Appellants' arguments in response to the Examiner's rejections of the appealed claims are organized according to a suggested grouping of claims indicated in the arguments at pages 12-16 of the Brief. We will consider the appealed claims separately only to the extent separate arguments for

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patentability are presented. Any dependent claim not separately argued will stand or fall with its base claim. Note In re King, 801 F.2d 1324, 1325, 231 USPQ 136, 137 (Fed. Cir. 1986); In re Sernaker, 702 F.2d 989, 991, 217 USPQ 1, 3 (Fed. Cir. 1983).

We consider first the Examiner's 35 U.S.C. § 102(e) rejection of claims 1-5, 7-13, 15-19, and 21-24 based on Wang. At the outset, we note that it is well settled that anticipation is established only when a single prior art reference discloses, expressly or under the principles of inherency, each and every element of a claimed invention as well as disclosing structure which is capable of performing the recited functional limitations. RCA Corp. v. Applied Digital Data Systems, Inc., 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir.); cert. dismissed, 468 U.S. 1228 (1984); W.L. Gore and Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 1554, 220 USPQ 303, 313 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984).

With respect to independent method claims 1, 7, 17, and 21, the Examiner indicates (Answer, pages 3 and 4) how the various limitations are read on the disclosure of Wang. In particular, the Examiner directs attention to the illustration in Wang's Figures 1 and 3, as well as the disclosure at paragraphs 0006-0008, 0048, 0049, 0052, 0053, and 0059 of Wang.

In our view, the Examiner's analysis is sufficiently reasonable that we find that the Examiner has at least satisfied the burden of presenting a prima facie case of anticipation. The

burden is, therefore, upon Appellants to come forward with evidence and/or arguments which persuasively rebut the Examiner's prima facie case. Only those arguments actually made by Appellants have been considered in this decision. Arguments which Appellants could have made but chose not to make in the Brief have not been considered and are deemed to be waived [see 37 CFR § 41.37(c)(1)(vii)].

Appellants' arguments in response assert that the Examiner has not shown how each of the claimed features are present in the disclosure of Wang so as to establish a case of anticipation. Initially, Appellants' arguments (Brief, page 12) focus on the contention that, in contrast to the claimed invention in which a returned application screen is different from a requested screen if the requested screen cannot be provided, the user in Wang is presented with the exact web page that has been requested, albeit a web page which has been adjusted to meet the physical limitations of the user's display device.

After reviewing the Wang reference in light of the arguments of record, however, we are in general agreement with the Examiner's position as stated in the Answer. In particular, we agree with the Examiner (Answer, page 16) that, Appellants' arguments to the contrary notwithstanding, the user in Wang is presented with a returned alternate screen, e.g., the result page 304 in Wang's Figure 3, which is different from the requested screen, e.g., the source page 302 which resides in the database

of the web server. To whatever extent the actual data content of Wang's returned screen may not be different from the requested screen, we find no claim language which requires the data content to be different. In our view, the result screen which is to be displayed to a user in Wang, a screen which is adjusted to the physical configuration of a user's display device, is unambiguously "different" from the requested screen as broadly set forth in appealed claim 1.

We also find to be unpersuasive Appellants' contention (Brief, page 12) that Wang has no disclosure of returning an application screen different from that requested "based on a business rule object." In our view, as also alluded to by the Examiner (Answer, page 17), the ordinarily skilled artisan would consider the "transformation rules" disclosed by Wang as "business rule objects" since such transformation rules determine how Internet providers, i.e., businesses, display web pages to the physical display devices employed by their users.

In view of the above discussion, since all of the claimed limitations are present in the disclosure of Wang, the Examiner's 35 U.S.C. § 102(e) rejection of independent claims 1, 7, 17, and 21, as well as dependent claims 2-5, 8, 9, 18, 19, and 22-24 not separately argued by Appellants, is sustained.

Turning to a consideration of the Examiner's 35 U.S.C. § 102(e) rejection of system claims 10-13, 15, and 16 based on Wang, we sustain this rejection as well. We find no error in the

Examiner's assertion (Answer, pages 6-9) of correspondence between the disclosure of Wang and the claimed presentation object, response table, formatting objects, request handler, template assembler, and business rules engine. For their part, Appellants' arguments in response reiterate those made with respect to independent method claims 1, 7, 17, and 21, arguments we found to be unpersuasive for all of the reasons discussed supra.

We next consider the Examiner's 35 U.S.C. § 103(a) rejection of independent claim 25 based on the combination of Wang and Kupersmit. Appellants' arguments in response (Brief, page 15) do not attack the Examiner's proposed combination of Kupersmit with Wang but, rather, focus on the assertion that the Examiner's analogy of Wang's password access requirement to the claimed "business rule" is flawed. Our interpretation of the disclosure of Wang, however, coincides with that of the Examiner. We fail to see why Wang's disclosure (paragraph 0053) of a password requirement to access requested applications would not be considered by the ordinarily skilled artisan as a "business rule" as claimed. In other words, as described by Wang, a network service provider, i.e., a business, establishes "rules" which permit or deny access to requested web pages by particular users. We further find no error in the Examiner's establishment (Answer, page 13) of proper motivation, and we find no convincing arguments to the contrary from Appellants, for the addition of

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Kupersmit's substitute screen teachings to the disclosed system of Wang.

For the above reasons, since it is our opinion that the Examiner's prima facie case of obviousness has not been overcome by any convincing arguments from Appellant, the Examiner's 35 U.S.C. § 103(a) rejection of independent claim 25, as well as dependent claims 26-30 not separately argued by Appellants, is sustained.


Lastly, we also sustain the Examiner's obviousness rejection of dependent claim 6, in which Mighdoll is added to Wang, and dependent claims 14 and 20 in which Tomsen is added to Wang, to address, respectively, the object linking and template assembler features of these claims. Appellants' arguments in response (Brief, pages 16 and 17) rely on arguments made previously with respect to respective base independent claims 1, 13, and 17, which arguments we found to be unpersuasive as previously discussed.

In summary, we have sustained the Examiner's rejections of all the claims on appeal. Therefore, the decision of the Examiner rejecting claims 1-30 is affirmed.

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No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a)(1)(iv) (effective September 13, 2004).

AFFIRMED


ERROL A. KRASS
Administrative Patent Judge

Joseph F. Ruggiero
JOSEPH F. RUGGIERO
Administrative Patent Judge

MAHSHID D. SAADAT
MAHSHID D. SAADAT
Administrative Patent Judge

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HEWLETT - PACKARD COMPANY
INTELLECTUAL PROPERTY ADMINISTRATION
P.O. BOX 272400
FORT COLLINS, CO 80527-2400